

August 17, 2020

Via First Class Mail and Electronic Submittal

William McCusker, Chairman
Grafton Zoning Board of Appeals
30 Providence Road
Grafton, MA 01519

RECEIVED
AUG 27 2020
Zoning Board of Appeals

Re: Project: Fisherville Terrace
Location: 119 Main Street
Applicant: Fisherville Terrace, LLC
Owner: Fisherville Terrace, LLC

Amendment of Comprehensive Permit

Dear Chairman McCusker and Board Members:

This firm represents Fisherville Terrace LLC. As the Board is aware, the Grafton Zoning Board of Appeals issued a Comprehensive Permit on November 10th 2010 for a 72-unit homeownership project. The Applicant/permit holder has now secured an agreement with a builder/partner to enter into the Fisherville Terrace LLC entity and is attempting to modify the existing permit to a plan that will make the project constructible and feasible and finally able to move forward 10 years later.

As set out in greater detail in the plans attached herein, Fisherville Terrace now seeks to revise certain aspects of the project, such that the total number of buildings will be reduced from 57 to 50, the total number of residential units will be increased (from 72 3BR units to 100 3BR units) and the impervious areas within the developed portion of the site will be increased from 5.9 acres to 6.5 acres. Please be advised that there is no material change to the project engineering or infrastructure including roadway and stormwater management infrastructure. As part of the modification request, Fisherville Terrace has also included full schematic architectural plans which illustrates the units to be featured as part of this 40B development program and which should be considered the proposed units of record.

This notice is being provided pursuant to 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board is to determine within twenty (20) days whether these changes are substantial in accordance with 760 CMR 56.05(11)(c) and (d). If it is determined that they are insubstantial changes, or if notice is not provided to the applicant to the contrary within twenty (20) days, the Comprehensive Permit is to be deemed modified to incorporate the changes without further hearing. If proposed modifications are deemed more than an insubstantial change, a public hearing would be

SEB, LLC

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required within 30 days of such determination. As you are aware, the Chapter 40B regulations at 760 CMR 56.05(11) and 760 CMR 56.07(4) provide "Commentary and Examples" as guidance on whether a change is insubstantial or substantial. Within the Commentary and Examples, an increase of more than 10% in the number of housing units is a cited example of a revision deemed significant ("substantial") enough to have a public hearing to review the revisions to the existing approved project.

In light of the proposed modified design, the total proposed density has increased from 72 units to 100 units, from that approved under the Comprehensive Permit. Accordingly, the applicant recognizes that the Board will seek review of the proposed change within a public hearing. Therefore, we respectfully ask that you place this matter on your meeting agenda for the next available meeting date, and applicant hereby waives the aforesaid 20-day period and agrees to move directly to a public hearing acknowledging the proposed request to be considered a "substantial change".

Please contact me if you have any questions.

Thank you.

A handwritten signature in black ink, appearing to read "Geoffrey Engler". The signature is fluid and cursive, with the first name "Geoffrey" written in a larger, more prominent script than the last name "Engler".

Geoffrey Engler
Consultant to the Fisherville Terrace, LLC